

FILED
WHARTON LEVIN EHRLANT BAUMSTICK COLEMAN
 A PROFESSIONAL CORPORATION OF ATTORNEYS
 DISTRICT OF MARYLAND

ATTORNEYS AT LAW

104 WEST STREET

P. O. BOX 551

ANNAPOLIS, MARYLAND 21404-0551

(410) 263-5900

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FREDERICK'S OFFICE
AT BALTIMORE

DEPUTY

JACK L HARVEY

OUTSIDE MARYLAND
800-322-1984FACSIMILE
(410) 263-1562E-MAIL
JLH@WLEKN.COM

July 31, 2002

VIA FACSIMILE (410-962-2698) and FIRST CLASS MAIL

The Honorable J. Frederick Motz
 United States District Judge
 United States District Court for the District of Maryland
 Garmantz Federal Courthouse
 101 W. Lombard Street
 Baltimore, MD 21201

Re: **Coleman v. Deere & Co.**
 Case number: JFM 02 CV 963

Dear Judge Motz:

I represent the defendant Deere & Co. in this personal injury product liability action. Peter Vangsnes of Ashcraft & Gerel and Wayne Cohen of Cohen & Cohen represent the plaintiffs, Mr. and Mrs. Coleman.

By a letter dated May 6, 2002 I notified the Court that the parties in this case had agreed to privately mediate the case. At the request of the parties, you agreed to postpone the Scheduling Conference in the case and await word from the parties regarding the outcome of the mediation. I indicated that the parties proposed to submit to the Court a written report on the outcome of the mediation on or before Monday, August 19, 2002.

The parties scheduled a mediation through The Private Adjudication Center of Duke University School of Law to proceed before mediator Robert Beason on Tuesday, July 23, 2002 in Washington, D.C. The parties were pursuing discovery in the process of preparing for the July 23 mediation. However, it became evident that significant additional discovery, particularly as it pertained to the liability phase of the case, would be necessary in order to have a productive mediation. With the realization that the necessary discovery could not be completed in time for a July 23rd mediation, the parties requested and obtained a cancellation of the July 23 mediation. The parties have just rescheduled the mediation with Mr. Beason for October 17. Mr. Beason had no dates available until September, and October 17 was the earliest feasible date for all the parties.

Jack L. Harvey
10/31/02

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I should emphasize that the parties are undertaking discovery in a manner so that it will not need to be repeated in the event there is an unsuccessful mediation of the case. Accordingly, in the event that mediation is unsuccessful and there is a need to litigate the case towards trial, we anticipate that much of the necessary discovery already will have been completed.

Accordingly, on behalf of Deere & Co. and with the approval of counsel for the Colemans, I seek the permission of the Court for continuation of the mediation process, with the expectation that the parties will report back to you on the outcome of the mediation on or before Monday, October 21, 2002. Absent hearing to the contrary from the Court, the parties will proceed with discovery in anticipation of a mediation on October 17, 2002.

I appreciate the Court's indulgence on this matter.

Very truly yours,


Jack L. Harvey

JLH:ls
cc: Peter Vangsnes, Esq.

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